## REMARKS

Applicant has carefully reviewed the Office Action mailed August 8, 2007 and offers the following remarks to accompany the above amendments.

Applicant wishes to thank the Examiner for indicating that claims 10-16 and 30-36 would be allowable if rewritten in independent form. Applicant reserves the right to rewrite claims 10-16 and 30-36 in independent form to include the limitations of claims 1 and 21, respectively, at a later time. Applicant has amended claims 1 and 21 to recite that the message comprising the complete call tariff model is received at the gateway in the packet network, that the message is sent using a media control protocol, and that the gateway provides the pulses to a metering entity during the call. Support for this amendment may be found in at least paragraphs 0043-0046 of the Specification.

Claims 2-9, 17-20, 22-29, and 37-41 are withdrawn due to the restriction requirement being made final. Applicant notes that claim 1 is acknowledged by the Examiner to be generic. Applicant submits that the corresponding system claim 21 is also generic. Upon the allowance of claims 1 and 21, Applicant reserves the right to seek claims to additional species which depend from or otherwise require all the limitations of the allowable generic claims as provided by 37 CFR § 1.141.

Applicant also reserves the right to file a divisional application directed to the withdrawn claims at a later time during the pendency of the present application.

Claims 1, 10-16, 21, and 30-36 remain pending.

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,985,446 B1 to Hurtta et al. (hereinafter "Hurtta"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Before addressing the rejection, Applicant provides a brief overview of the present invention. The present invention facilitates efficient metering in a packet network environment by providing a single metering message, which contains sufficient information to provide the complete call tariff model for a particular call. The media gateway receiving the message can analyze the information provided in the message to determine how to provide metering pulses for

all phases of the call, as well as any one-time charges, such as setup and add-on charges. The setup charges are associated with initiating the call and the add-on charges are other charges related to activating features during the call. One embodiment of the present invention provides an efficient way for handling fractional pulse counts in an efficient manner. Another embodiment facilitates the handling of situations where charge intervals do not divide evenly into the phase durations of the phases associated with the call.

Claim 1 as amended recites a method for providing metering from a gateway in a packet network comprising:

c) receiving a message at the gateway, the message being sent using a media control protocol, and the message comprising a complete call tariff model for controlling all metering in association with a call; and

d) providing pulses to a metering entity during the call according to the call tariff model.

Hurtta does not teach each and every element of claim 1. First, Hurtta does not teach that the message comprising the complete call tariff model is received at a gateway. In Hurtta, a charging message is sent from the service control point ("SCP") to the serving support node ("SGSN"). However, the SGSN of Hurtta is not a gateway, as defined in the claimed invention. A gateway is a network node equipped for interfacing with another network node that uses a different protocol. In contrast, a SGSN is not a network node which is equipped for interfacing with another network that uses a different protocol. Instead, the SGSN is a serving support node within the General Packet Radio Service ("GPRS") system. According to Hurtta, the SGSN is a node serving a mobile station ("MS") (Hurtta, col. 8, lines 8-13). Each serving support node SGSN controls the packet data service in the area of one or more cells in a cellular packet radio network. *Ibid.* For this purpose, each serving support node SGSN is connected to a particular local part of the access network. *Ibid.* While Hurtta does disclose that the SGSN routes packets, it is not between disparate networks having different protocols, which is the function of a gateway. Furthermore, while Hurtta may show that the SGSN may connect a base station controller with a GPRS, Hurtta does not disclose that the base station controller and the GPRS backbone network operate using different protocols. Accordingly, Hurtta does not disclose or suggest a gateway as defined in the present invention, which receives a message comprising a complete call tariff model and provides pulses to a metering entity during the call according to

the complete call tariff model, as claimed by the present invention. In Hurtta, since the charging message is received at the SGSN, and the SGSN is not a gateway, as required by the invention, Hurtta does not teach each and every element of claim 1. Thus, claim 1 is patentable.

Second, the charging message in Hurtta is not equivalent to the complete call tariff of the claimed invention. The present invention facilitates efficient metering in a packet network environment by providing a single metering message, which contains sufficient information to provide a complete call tariff model that is used to control all metering in association with all phases of a particular call, as well as any one-time charges, such as setup and add-on charges. In contrast, the charging message of Hurtta is merely a one-time charge for the data to be transferred (Hurtta, col. 12, line 59 through col. 13, line 5), and is thus not used to control all metering associated with a call. Under Hurtta, additional messages would be required for each phase of the call, or for add-on charges. Accordingly, Hurtta does not teach a complete call tariff of the claimed invention **for controlling all metering in association with a call**, as recited in claim 1.

Moreover, Hurtta does not teach that the gateway in the packet network provides pulses to a metering entity during the call according to the call tariff model, as claimed by the present invention. In Hurtta, a tariff is extracted from the charging message, and the unit price of the transferred amount of data can be fixed or may vary depending on the total amount of data to be transferred, the quality of service, or other factors. *Ibid.* The price is preferably expressed, e.g. as metering pulses to which a certain price is determined, or as an amount of currency. *Ibid.* Thus, in Hurtta, the SGSN receives the message and extracts the tariff from which the price is obtained. The price is expressed as metering pulses. Hurtta therefore teaches either: 1) a one time charge, as discussed above, in which no metering pulses are needed; or 2) if metering pulses are used, they are used internally by the SGSN.

In the first case, Hurtta does not teach a complete call tariff that controls all metering associated with a call, as discussed above, and further does not teach providing pulses to a metering entity during the call. In the second case, Hurtta does not disclose that pulses are provided by the gateway to a metering entity during the call since the metering pulses are not provided to a metering entity. Thus, in either event, Hurtta does not teach a gateway in a packet network providing pulses to a metering entity during the call according to the call tariff model.

In addition, the Patent Office states that the SCP provides metering pulses to the SGSN,

and that the SGSN therefore reads on the SGSN (Office Action mailed August 8, 2007, p. 4). Thus, under the Patent Office's own reading of Hurtta, Hurtta does not teach where the gateway receives the message and provides pulses to a metering entity. Moreover, the SGSN cannot be both the claimed gateway and the claimed metering entity. For the above reasons, Hurtta does not teach each and every element of claim 1. Accordingly, claim 1 is patentable.

Claim 1 as amended also specifies that the message with the complete call tariff model is sent using a media control protocol. Hurtta does not teach that the charging message is sent using a media control protocol. Thus, Hurtta does not teach the message being sent using a media control protocol, as recited in claim 1 as amended, and claim 1 is patentable for this additional reason.

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,950,441 B1 to Kaczmarczyk et al. (hereinafter "Kaczmarczyk") in view of Hurtta. To establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03. If the Patent Office cannot establish obviousness, the claims are allowable.

Claim 21 is a system claim that contains limitations similar to those in claim 1. Thus, for at least the same reasons as set forth above with respect to claim 1, Hurtta does not teach each and every element of claim 1. In particular, Hurtta does not teach that the message comprising the complete call tariff model is received **at a gateway**; Hurtta does not teach a complete call tariff of the claimed invention **for controlling all metering in association with a call**; Hurtta does not teach a gateway in a packet network providing pulses to a metering entity during the call according to the call tariff model; and Hurtta does not teach that the message with the complete call tariff model is sent using a media control protocol. Kaczmarczyk does not cure the deficiencies of Hurtta in this regard. Kaczmarczyk is cited to allegedly teach the packet interface and telephony line interface elements of claim 21. Kaczmarcyzk does not teach or suggest the message comprising the complete call tariff model being received by the gateway, or the gateway providing pulses to a metering entity during the call according to the call tariff model, a fact admitted by the Patent Office (see Office Action mailed August 8, 2007, p. 5). Hurtta also does not teach these elements for the reasons set forth above. Accordingly, the combination of Kaczmarczyk and Hurtta does not teach each and every element of claim 21. Therefore, claim 21 is patentable.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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